

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 27, 2011

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, September 27, 2011.

Mayor Warmington opened the meeting with a prayer from Mr. George Monroe from Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Commissioners Chris Carter, Clara Shepherd, Lawrence Spataro, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Commissioner Sue Wierengo arrived at 5:35 p.m.

Absent: Vice Mayor Stephen Gawron (excused)

2011-67 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the September 12th Commission Worksession Meeting and the September 13th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Commissioner Carter, second by Commissioner Spataro to approve Item A of the Consent Agenda.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wisneski, and Carter

Nays: None

MOTION PASSES

2011-68 ITEM REMOVED FROM THE CONSENT AGENDA:

B. City-MDOT Agreement for the Resurfacing of Terrace Street from Apple to Western. ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the resurfacing of Terrace Street from Apple (M-46) to Western Ave. and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the approved federal funds of \$160,000. The estimated total construction cost is \$224,200 plus an additional 15% of engineering.

BUDGET ACTION REQUIRED: None as this project was budgeted for in the 2011/2012 CIP.

STAFF RECOMMENDATION: Approve the contract and resolution authorizing the Mayor and Clerk to sign both.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the City-MDOT Agreement for the resurfacing of Terrace Street from Apple to Western.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2011-69 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District for 41 E. Apple Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, J&J Bail Bonds, 41 E. Apple Avenue, has requested the establishment of an Obsolete Property District. Total capital investment for this project is estimated at \$91,495.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Ernest Bents who works with J&J Bail Bonds, 41 E. Apple and Dave Wendtland, 1399 Nelson.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing and approve the request to establish an Obsolete Property District for 41 E. Apple Avenue.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Shepherd

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate for J&J Bail Bonds, 41 E. Apple. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, J&J Bail Bonds, 41 E. Apple Avenue, has requested the issuance of an Obsolete Property Certificate for the property located at 41 E. Apple Avenue. Total Capital investment for this project is estimated at \$91,495 and they plan to create 5 to 7 new jobs. Because of the amount of investment, the applicant is eligible for an 8 year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Ernest Bents who works with J&J Bail Bonds, 41 E. Apple.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and approve the request to issue an Obsolete Property Certificate for J&J Bail Bonds, 41 E. Apple.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Shepherd, and Spataro

Nays: None

MOTION PASSES

**C. Request for an Industrial Facilities Exemption Certificate for Fleet Engineers, Inc. PLANNING & ECONOMIC DEVELOPMENT
(REMOVED PER REQUEST OF STAFF)**

2011-70 UNFINISHED BUSINESS:

A. TABLED FROM JULY 26: Concurrence with the Housing Board of Appeals Notice and Order to Demolish 407 Marquette Avenue. CITY MANAGER

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 407 Marquette Avenue is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals' decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the Housing Board of Appeals Notice and Order to demolish 407 Marquette Avenue.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Spataro, and Warmington

Nays: Shepherd

MOTION PASSES

2011-71 NEW BUSINESS:

A. Resolution for Continuation of City Personal Income Tax Incentive within City Renaissance Zones. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: PA 38 of 2011 (May 2011) repealed Section 206.31 of the Income Tax Act of 1967 which allowed individuals who were residents of a Renaissance Zone to exempt their income from the 4.35% tax. Those living within a Renaissance Zone must begin paying State Personal Income Tax on January 1, 2012. The resolution authorizes the City to continue providing the City personal income tax benefit within Renaissance Zones, for the life of each Zone.

FINANCIAL IMPACT: No new impact since it is a continuation of a benefit already in place.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign.

Motion by Commissioner Spataro, second by Commissioner Shepherd to adopt the resolution for continuation of City Personal Income Tax Incentives within City Renaissance Zones.

ROLL VOTE: Ayes: Wisneski, Carter, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

B. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: CITY MANAGER

163 Amity Avenue

122 E. Southern Avenue

1877 Smith Street (Garage)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals' decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the Housing Board of Appeals Notice and Order to demolish 163 Amity, 122 E. Southern, and 1877 Smith (garage).

ROLL VOTE: Ayes: Carter, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:05 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk